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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/349,571	07/08/1999	MOOI CHOO CHUAH	M-35-CCHUAH	6785
30541	7590	04/29/2005	EXAMINER	
LAW OFFICE OF JOHN LIGON 505 HIGHLAND AVENUE P.O. BOX 43485 UPPER MONTCLAIR, NJ 07043			TON, DANG T	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/349,571		<b>Applicant(s)</b> CHUAH, MOOI CHOO	
	<b>Examiner</b> DANG T TON		<b>Art Unit</b> 2666	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art of figure 1 in view of Pejihan et al. ( Error Control Using Retransmission Schemes in Multicast Transport Protocols For Real Time Media, 1996 IEEE).

For claims 1-3,6,7,and 8, the admitted prior art of figure 1 discloses a method comprising the steps of :

sending packets directed to an L2TP peer (see packet # 1-5 directed to LT2P receiver in figure 1);

initiating a recovery process upon detection of multiple messages from the L2TP peer indicative that the L2TP peer is still waiting for a prior transmitted packet(see page 5 lines 5-7 and 10-20);

wherein the multiple messages are negative acknowledgements(see multiple message Nr = #2 in figure 1);

wherein the initiating step includes the step of sending a packet that includes a "Reset Sr" (*R-bit*) indicator for resetting a next received sequence number, Nr, value at the L2TP

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peer(see page 5 lines 14 and 25-26);

receiving a packet from an L2TP peer, the received packet

including a next received sequence number, *Nr*; value;

determining if the *Nr* value represents a negative

acknowledgement(see *Nr* # 2 in figure 1 and page 5 lines 13-15);

wherein the recovery process includes the step of sending a

packet that includes a "Reset *Sr*" (*R-bit*) indicator for resetting

a next received sequence number, *Nr*, value at the L2TP peer (see page 5 lines 14 and 25-26);

sending packets directed to an L2TP peer(see page 5 lines 14 and 25-26);

initiating a recovery process upon detection of either multiple

messages from the L2TP peer indicative that the L2TP peer is

still waiting for a prior transmitted packet, or if a

predetermined payload time-out occurs with respect to the prior

transmitted packet(see page 5 lines 5-7 and 10-20);

wherein the multiple messages are negative acknowledgements(see *Nr* # 2 in figure 1); and

wherein the initiating step includes the step of sending a

packet that includes a "Reset *Sr*" (*R-bit*) indicator for resetting a

next received sequence number, *Nr*, value at the L2TP peer(see page 5 lines 14 and 25-26).

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For claims 1-3 and 6-8, The admitted prior art of figure 1 discloses all the subject matter of the claimed invention with the exception of a predetermined number of negative acknowledgement a communications network. Pejhan from the same or similar fields of endeavor teaches the threshold being based on the number of hosts sending NACK's for a given packet ( see section III Overview of Literature, paragraph 2). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the predetermined number of negative acknowledgement as taught by Pejhan in the communications network of the admitted prior art of figure 1.

The predetermined number of negative acknowledgement can be modified/ implemented into the network of the admitted prior art of figure 1 since it does teach NACK's. The motivation for using the predetermined number of negative acknowledgement being that it provides the system more reliable since it defines a retransmission scheme for control message lost during transmission.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over (The admitted prior art figure 1 and Pejhan )in view of Miller et al. (5,727,002).

For claims 4-5 and 9-13, The admitted prior art of figure 1 discloses the method as described in the paragraph 1 of this office action.

For claims 4-5 and 9-13, The admitted prior art of figure 1 discloses all the subject matter of the claimed invention with the exception of a predetermined number of negative acknowledgement a communications network. Pejhan from the same or similar fields of endeavor teaches the threshold being based on the number of hosts sending NACK's for a given packet ( see section III Overview of Literature, paragraph 2). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the predetermined number of negative acknowledgement as taught by Pejhan in the communications network of the admitted prior art of figure 1.

The predetermined number of negative acknowledgement can be modified/ implemented into the network of the admitted prior art of figure 1 since it does teach NACK's. The motivation for using the predetermined number of negative acknowledgement being that it provides the system more reliable since it defines a retransmission scheme for control message lost during transmission.

For claims 9-13, The admitted prior art of figure 1 discloses all the subject matter of the claimed invention with the exception of using a communication interface for sending packets and receiving packets and a processor for initiating a recovery process in a communications network. Miller et al. from the same or similar fields of endeavor teaches the network interface (box 56 in figure 5) coupled with the processor (box 50 in figure 5) to accomplish the acknowledgment mechanism . Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to use the

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interface and processor as taught by Miller et al. in the communications network of the admitted prior art of figure 1.

The communication interface and processor as taught by Miller et al can be modified/ implemented into the network of the admitted prior art of figure 1 by connecting the interface and the processor between the sender and receiver . The motivation for using the interface and processor being that it provides the system more reliable since it defines a retransmission scheme for control message lost during transmission.

3. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANG T TON whose telephone number is 703-305-4739. The examiner can normally be reached on MON-WED, 5:30 AM-6:00 PM and Thur 5:30-9:30 A.M.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on 703-308-5463. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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D. Ton



D. TON  
TIMOTHY TON